

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

**YUNSONG ZHAO,**

**Plaintiff,**

v.

**CIVIL ACTION NO. 7:18-cv-189  
Judge Michael F. Urbanski**

**VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY,  
JAMES C. MCCLAIN,**  
in his individual capacity,  
**BRIAN WILSON,**  
in his individual capacity, and  
**ROHSAAN SETTLE,**  
in his individual and official capacities.

**Defendants.**

**PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS THE REMAINING PORTION  
OF COUNT II OF PLAINTIFF'S SECOND AMENDED COMPLAINT**

Plaintiff, by counsel, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure moves to voluntarily dismiss, *with prejudice*, the remaining cause of action in his Second Amended Complaint against Defendant Rohsaan Settle. In support of this motion, Plaintiff states as follows:

1. By ORDER entered July 31, 2018, (ECF No. 63) this Court dismissed Defendants James McClain and Brian Wilson;
2. By ORDER entered October 15, 2018, and filed October 16, 2018, (ECF No. 95) this Court dismissed all counts of Plaintiff's Second Amended Complaint *except* Count II against Defendant Rohsaan Settle, in his official capacity, seeking injunctive and declaratory relief;

3. Plaintiff no longer wishes to pursue injunctive and declaratory relief against Defendant Settle; and
4. By granting Plaintiff's motion, all Plaintiff's claims will have been adjudicated by this Court and this matter may be stricken from the active docket of this Court.

WHEREFORE, Plaintiff requests that this Court enter a FINAL ORDER granting Plaintiff's motion and dismissing the remaining claims, *with prejudice*, against Defendant Rohsaan Settle and striking this matter from the active docket of this Court, and any other relief this Court deems just, equitable, or appropriate. Plaintiff is authorized to state that Defendant Settle does not oppose dismissal, *with prejudice*, and does not oppose this motion.

Respectfully submitted this 29th day of July 2019.

YUNSONG ZHAO

By: s/ Mario B. Williams  
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*Counsel for Plaintiff*

## **CERTIFICATE OF SERVICE**

I hereby certify that, on this 29th day of July, 2019, the foregoing PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS THE REMAINING PORTION OF COUNT II OF PLAINTIFF'S SECOND AMENDED COMPLAINT was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing (NEF), to the following counsel for Defendant Rohsaan Settle:

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The filing was sent via U.S. Mail to the following:

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*Counsel for Defendant Brian Wilson*

s/ Mario B. Williams  
Counsel for Plaintiff